

BOARD OF POLICE COMMISSIONERS

Minutes of the Regular Board of Police Commissioners Meeting Thursday, January 30, 2003

The regular meeting of the Detroit Board of Police Commissioners was held on Thursday, January 30, 2003, at 3:00 p.m., Police Headquarters, 1300 Beaubien – Rm. 328, Detroit, MI 48226.

ATTENDANCE

Board Members Present

Megan P. Norris
Willie E. Hampton
Nathan Head
Edgar L. Vann, Jr.
Arthur Blackwell, II **(ABS)**

Civ. DC Pamela Evans
Civ. 3rd DC Tara Dunlap
Civ. Partrice Woodward
Dr. Elsie Scott
Atty. Nancy Ninowski

Department Personnel Present

Chief Jerry A. Oliver, Sr.
AC Ella Bully-Cummings
DC Ronald Haddad
DC Gary Brown
DC Bryan Tunrull
Insp. Jamie Fields
Insp. Willie McClure
Lt. Kenneth Balinski
Lt. Dwayne McKissic
Sgt. Debbie Jackson
Sgt. Kenneth Williams
Sgt. Vicki Yoates
PO Irvette Reed

Board Staff Present

Pamoline J. McDonald, Exec. Director
Denise R. Hooks, Atty./Supv. Investigator
Lori Waddles, Chief Investigator
Ainsley Cromwell, Supervising Investigator
Shirley Blesdoe, Investigator
Debbie Abdur-Rasheed, Investigator
E. Lynise Bryant-Weekes, Personnel Director

OTHERS PRESENT

WWJ 950
Ms. G. A. Walters
Richard Jones
Atty. John Goldpaugh

RECORDERS

Jerome Adams
Kellie Williams

1. CALL TO ORDER

Chairperson Norris called the regular meeting of the Detroit Board of Police Commissioners to order at 3:20 p.m.

2. APPROVAL OF MINUTES

MOTION: Commissioner Norris made the motion to approve the Minutes of Thursday, January 16th & 23rd, 2003.

SECOND: Commissioner Vann seconded the motion.

VOTE: All in attendance voted in the affirmative.

3. REPORT FROM THE CHAIR

January 23, 2003

Board of Police Commissioners
1300 Beaubien
Room 328
Detroit, Michigan 48226

**RE: RECOMMENDATION FOR CHANGE IN ORGANIZATIONAL
STRUCTURE OF THE DETROIT POLICE DEPARTMENT AND FOR
EXECUTIVE APPOINTMENT**

As we continue to upgrade the level of service that we provide to the residents of the city of Detroit it is imperative that we continue to evolve into a more relevant

and professional city agency. The Detroit Police Department is reassessing our commitment to vital areas because of recent community concerns and local attention that have been highlighted in specific areas of law enforcement. It is at this time I would like to request the Board's approval on two key developments. First, the modification of the organizational chart and make-up of the department to include a third Assistant Chief's position.

This Assistant Chief would be responsible for all of the Investigative functions within the department; such as Central Services Bureau which includes the Violent Crimes Task Force, Homicide Section, Special Services Section, Armed Robbery Unit, Sex Crimes Unit, Domestic Violence, Commercial Auto Theft Unit, etc., and the Organized Crime & Gang Division, which would include the Vice Section, Narcotics Section, Forfeiture Unit and the Gang Enforcement Section. Consequently, leaving the Assistant Chief who is in charge of the Operations Portfolio with the Metropolitan Division, all of the patrol functions, Auxiliary Services, Tactical Operations Section, and the Police Athletic League Section. There would be no change to the Administrative Portfolio. The restructuring of the Investigative units will allow us to enhance the support and direction that is needed in this area, to ensure that critical elements and accountability of criminal investigations are at the forefront of our mission. This process cannot be accomplished with these units attached to the patrol aspects of the department.

The creation of this position will not in any means create a negative impact on the budget of the Detroit Police Department. Consistent with the previous re-organizational process, this executive position will be created by upgrading a vacant Full Time Equivalent (FTE).

Therefore, I am seeking the Board's approval to create the position of Assistant Chief, Investigative Portfolio effective February 17, 2003.

APPOINTMENT TO THE RANK OF ASSISTANT CHIEF, INVESTIGATIVE PORTFOLIO

I now recommend Mr. Timothy J. Black for the position of Assistant Chief, Investigative Portfolio.

Mr. Black was appointed to the Phoenix Police Department in 1970 where he served over twenty-nine (29) years. He was promoted to the rank of Sergeant in 1975, Lieutenant in 1981, Police Captain in 1985, Police Major in 1990, and Assistant Police Chief in 1992. He worked a myriad of assignments with a lot of time being spent in charge of the Investigative and Detectives Units, which included being responsible for all investigative follow up functions of the department detectives. This division was made up of over 600 detectives with an annual budget of over forty-two (42) million dollars. The cases were comprised of homicides, armed robberies, organized crimes, auto thefts, vice crimes, sex

crimes, missing persons, document crimes, vehicle crimes, and fugitive apprehension. This insight has given him an extensive perspective and knowledge that is crucial to one who will be functioning in the capacity of Assistant Chief, Investigative Operations.

Mr. Black graduated from Northern Arizona University with a Masters in Educational Leadership in 1999. He also attended the University of Phoenix where he obtained a Bachelors of Arts-Management in 1987. Additionally, he obtained an associate of Arts degree from Glendale Community College in Phoenix, Arizona.

He is affiliated with Arizona State University as an Adjunct Faculty Member, Governor's Juvenile Justice Advisory Committee, YMCA Board Needs Committee Member, and a member of the Board of Directors of Arizona Federal Credit Union.

From the information presented, it is apparent that Tim Black has demonstrated commitment to the Law Enforcement Profession. Therefore, I am asking your concurrence in the executive appointment of Tim Black to Assistant Chief, Investigative Portfolio.

Sincerely,

/s/Jerry A. Oliver, Sr.
Chief of Police

JAO/sff

Attachments (See Attached - Resume & Promotional Availability Report)

Comm. Vann stated my only reservation of this is to make sure that this person can cross these cultural dynamic divides.

Chief Oliver stated I would not recommend this individual to this Board and knowing about the obstacles that we face, if I did not feel that this individual could do the job. This person will be reporting directly to me, so I will be very sensitive about these issues.

Comm. Norris stated in regards to the issue about concerns of the Chief's Office being top heavy, I thought about my law firm and it has about 500 employees. We have 1 CEO, 5 managers (under the 1 CEO), 13 department chairs (under the 5 managers), 120 partners (under the 13 department chairs), 280 attorneys (under the 120 partners) and a couple of staff members (under the 280 attorneys). It does not seem to me that for 4,000 people that 3 Assistant Chief's

and 8 Deputies is that far off the market. As far as the money issue, we have never failed to hire an officer on the street because we had too many people at the top. There are reasons why we don't have officers in the streets, because there was a hiring freeze, it is hard to bring people in, not everybody who applies is qualified and there are all kind of issues. Until we get to the day where we say we can't hire that one more officer, I am not too concern about that.

In regards to the individual being an outsider, in other institutions they view bringing in an outsider as something good, they don't view it in any way as a denigration of the current staff that are there. I don't in anyway see this, and the Chief has not said to me that we don't have anyone qualified to do this kind of thing. I view it as one of the faults of this Department, historically, is that we have been too insular. We haven't had anybody from outside and we did not know what was going on on the outside. I think there needs to be a balance. The Chief has asked us in the way that we told him to ask us and I don't want him coming back a year from now saying that you did not give me the tools I have asked for.

Comm. Head stated I am concerned about the morale the police officers who are not getting promoted from within or salary increases.

Chief Oliver stated morale is affected by a lot more problems that are almost several decades old that I have inherited.

MOTION: Commissioner Norris made the motion to approve the Executive Promotion.

SECOND: Commissioner Head seconded the motion.

VOTE: All in attendance voted in the affirmative.

Chairperson Norris stated as I mentioned before, I have asked the Chief to work with me on a presentation schedule for our meetings. I have received the proposed schedule from the Chief's Office and I have had a chance to review it.

Several weeks ago we had a personnel matter that had been brought to us in a closed session. Comm. Blackwell has asked us to defer that while he had an opportunity to do some homework. I think that next week, in fairness to the people involved I think that we need to move on that.

Chief Oliver stated I am proud to announce that the Chair of the Police Commissioners will be joining me at an organizational meeting of the Major City Chiefs. I think 51 Chiefs gather about 3 times a year at various places. The

Major's Chief of Staff and Chairperson Norris will be attending this meeting in Phoenix, AZ. This has never happened before.

4. SECRETARY REPORT – EXEC. DIR. MCDONALD

On January 30, 2003, **Police Officers Richard Neinhuis**, badge 3538, **Courtney Anderson**, badge 3819, **Scott Barrick**, badge 4219, **Jason Criner**, badge 386, **Jason Tonti**, badge 3726, **Glenn Anderson**, badge 4508, **Timothy Barr**, badge 2002, **D'clarence Reynolds**, badge 1127, **Aaron Kraszewski**, badge 684, **Alexis Sukey**, badge 663, all assigned to the Tactical Services Section (T.S.S.) was suspended **without pay** by Chief of Police Jerry A. Oliver, Sr.

On October 7, 2002, Officers Scott Barrick, badge 4219, and Jason Criner, badge 386, both assigned to T.S.S., Tac-5, observed an occupied stolen vehicle in the area of Wilshire and Coplin. The officers used their radio channel #11 to notify other T.S.S. units of their direction and situation.

On the above date, Officers Neinhuis and Anderson assigned Tac-10, and Mark Busch and Jeffery Wawrzyniak, assigned Tac-6, joined Tac-5 on the pursuit. Tac-6 notified dispatch (district 3) they were pursuing a stolen vehicle at Harper and Gratiot. Also joining in on the pursuit was Officers Barr and Reynolds, assigned Tac-13, Aaron Kraszewski and Alexis Sukey, assigned Tac-12, and Tonti and Anderson assigned to Tac-4. Shortly afterwards a T.S.S. supervisor, Sergeant Rodney Cox, assigned to Tac-75, ordered the officer to break off the pursuit. Tac-6 complied with Tac-75 order. However, as Scout Tac-6 moved their vehicle to the south side of Harper their vehicle camera recorded Tac-13, Tac-12, Tac-10, Tac-5 and Tac-4 continuing in pursuit of the stolen vehicle. As a result, Tac-10 was involved in a fatal vehicular accident at Mt. Elliott and Vernor, resulting in one fatality.

The officers of Tac-13, Tac-12, Tac-10, Tac-5 and Tac-4 later acknowledged through Garrity that they continued their pursuit of the stolen vehicle after receiving Tac-75 orders to break off the chase.

On October 9, 2002, a Request for Warrant was submitted to the Wayne County Prosecutor's office. The warrant was later denied.

Based on the above circumstances, it is recommended that Officers Neinhuis, Anderson, Barrick, Criner, Tonti, Anderson, Barr, Reynolds, Kraszewski, and Sukey be charged with, but not limited to the following violation of the Detroit Police Department Rules and Regulations:

CHARGE: CONDUCT UNBECOMING AN OFFICER; CONTRARY TO THE LAW ENFORCEMENT CODE OF ETHICS, THIS BEING IN VIOLATION OF GENERAL ORDER 72-17(R), SECTION K. SUBSECTION 65.

Unless contravened by this Commission, the above suspensions without pay will stand.

Atty. Goldpaugh stated a request to suspend these officers at this time is in violation of the collective bargaining agreement, the Charter and **Grover**. The document says that on October 2, 2002, these officers were supposedly involved in what appears to be a legitimate chase. It also says that on October 9, 2002, a warrant request was submitted to the Wayne County Prosecutor's Office and the warrant was denied later on. The report also notes that under **Garrity**, some officers admitted that they did not call off the chase immediately. I can't indicate whether that is accurate or not because I was not present at all of those Garrity interviews. I do know that on some of those interviews that I was present at, which were back in October that some of the officers, said yes, I called it off or I got out of it or I did not remain in it. I can't give names because I just received this document in the meeting and I just got a phone call 20 minutes ago saying that this was going to happen. Regardless to all of that, none of the allegations that are raised here, warrants a suspension without pay. Obviously, the incident occurred four months ago or almost four months ago that these officers have continued to work in a police capacity, so it is clearly a violation of **Grover** to attempt to suspend these officers now, without pay. As it is indicated here there are no charges criminally brought against any of these officers. I am not even sure who the warrant was brought against, it just says a warrant was requested. I don't know if it was requested for every officer that was involved.

Chairperson Norris asked is it correct that your opinion is that the only suspensions without pay that the Board can affirm is for felony charges?

Atty. Goldpaugh stated that is correct.

Chairperson Norris asked as you know, this Board has not concurred with that position.

Atty. Goldpaugh stated I agree with the concurrence, but not the decisions.

Chairperson Norris stated it seems to me that in a sense that the Department is going to lose either way. If the Department rushed right in before they did a complete investigation and before they went through their process to determine what really happened here. I could imagine in a case like this what kind of evidence that they would be looking at. If they rushed right in before they did all

of that and said we are going to suspend all of these people without pay, I'm guessing you will be up here saying that is premature, we don't even know what happened. If they do a complete investigation and then they come in and you say **Grover** they have been on the job for four months, how could that be so bad. I guess, would you rather they aired on the side of jumping the gun or aired on the side of doing their complete investigation?

Atty. Goldpaugh stated Commissioner, if I was here on October 15th and the suspension was attempting to occur, I would not have the same arguments.

Chairperson Norris asked how long does it take to do it in...obviously this is an unusual situation because it involves a lot of officers. There are two officers that are not being suspended, but we have 12 officers involved, the incident might take more than a day or two to do that investigation.

Atty. Goldpaugh answered if in fact the circumstances had been so egregious that they could not under the **Grover** act, we still have the whole series where the collective bargaining agreement under Article 9 indicates that there could not be any suspension without pay/loss of pay until after the officers have gone through the disciplinary process, except...

Chairperson Norris stated those unusual circumstances that rise to that certain level.

Atty. Goldpaugh stated that is what I am indicated. These circumstance and that is what we have, circumstances. I have argued and you have ruled against me, for example, Officer Johnson. So this Department has come forth and asked this Board to uphold the suspension without any kinds of charges being brought against them.

Chairperson Norris stated that's right. She asked is there any situation, where you would say even though there is no criminal offense that's enough to warrant an officer's discharge?

Atty. Goldpaugh stated if in fact, this all occurred in an appropriate time frame and if this unnamed officer in violating these rules and regulations of the Department had been at least charged departmentally and given the opportunity to defend, we don't even have charges here.

Chairperson Norris stated is there any situation where you would say the conduct is egregious enough that the suspension without pay pending all that investigation would be appropriate?

Atty. Goldpaugh stated each case has to be argued on its merits.

Chairperson Norris asked so you would say this one doesn't, maybe you might find one that does?

Atty. Goldpaugh stated it is possible. With respect to this we are talking about a situation that supposedly occurred four months ago. The Department and you are talking about the investigation as I've indicated that this document is somewhat absent of any dates other than October 7th and 9th. Had this warrant been denied back in October 15th, I'm making these numbers up and then they come in a week later and say this was denied, but we still think that the officer should be suspended. My argument would not be as strong, though I believe it is still strong. It has been four months and that is clearly a **Grover** argument and it is a violation of Article 9 because it is a removal from the job without pay, it is a suspension and it is a loss of pay without the appropriate safeguards.

Comm. Vann asked what is the policy for stolen vehicles, as you understand it?

Atty. Goldpaugh stated my understanding is that the chase itself was put out and it was initiated. It was originally from what I understand, from my limited information with respect to this, that the chase was good.

Chairperson Norris stated and then it was called off.

Atty. Goldpaugh stated and then it was called off. So the chase itself was a proper chase, it was eventually called off. It is my understanding from this document that some of the officers still continued with the chase, even though it was called off.

Chairperson Norris asked do you know the policy of how many cars are supposed to be involved in a chase?

Atty. Goldpaugh stated two or three I believe, but I can't tell you the exact number. The problem is we don't know what the conduct unbecoming of the officers was. We have listed twelve officers.

Chairperson Norris stated two officers are not being charged with anything because they are the two that stopped the chase when it was called off.

Atty. Goldpaugh stated that is what it appears. The other ten I guess, it says conduct unbecoming an officer. What did they do was wrong?

Chairperson Norris stated they engaged in a chase that was called off.

Atty. Goldpaugh stated that is the allegation.

Comm. Vann stated it also says they were caught on video.

Atty. Goldpaugh stated because I think it says that one of them was caught on video continuing after.

Chairperson Norris stated all of them.

Comm. Vann stated it says that the vehicle recorded Tac 13, 12, 10, 5, and 4, which sounds like five different police cars continuing in pursuit of the vehicle.

Atty. Goldpaugh stated then why weren't we here four months ago.

Comm. Vann stated that might be another question, that has nothing to do with...

Atty. Goldpaugh stated that is the question that is being argued.

Comm. Vann stated that might be a question that I want to ask the people that investigated this.

Chairperson Norris stated I am guessing that this is a high profile case because we read about it in the paper, which means there is probably legal action being taken on the other side that is also being dealt with.

Atty. Goldpaugh stated this is a violation of Article 9, but also of **Grover**.

Comm. Head asked is this situation time barred?

Atty. Goldpaugh stated not time barred, with respect to discipline against these officers, but I would suggest time barred with respect to suspending these officers without pay, without their due process rights and without a hearing.

Comm. Head stated I am concerned about why the suspension now, if it happened in October. There is a lot of liabilities and damages involved here.

Chairperson Norris stated I see that DC Brown wants to address the Board, but procedurally you are not allowed to do that. If there is a good answer to Comm. Head's question, you could tell your counselor and she could relate that information.

Comm. Head asked if two officers stopped, what happened to the others? Did they not get the message?

Atty. Goldpaugh stated I could not answer those questions. That is exactly why we have to have a full hearing before you start to take these people pay and try to suspend them without pay, particularly under these circumstances.

Atty. Ninowski stated in **Grover, Grover** was suspended without pay after proceeding to a Trial Board hearing and after being left in an administrative position for 10 months. The facts and circumstances of this present case do not fit the **Grover** analysis in that. Internal Affairs had a complicated case, there are a lot of people and vehicles involved and a fatality. There is several entities involved, the state police was involved, Grosse Pointe police were involved and there were videos that had to be reviewed. I think in all fairness, the Department does have the obligation to take its time, but I'm not necessarily saying that we could take all the time we want. I think that this is the very first time after the investigation had been completed and we felt comfortable that the investigation had been completed and that we have conducted all of the interviews that we can to find out what went on, so that we could bring this before the Board.

Chairperson Norris asked were the officers aware that there is an ongoing investigation?

Atty. Ninowski stated that is correct, they are aware of that.

Chairperson Norris asked so this isn't a situation where officers sort of think that they are off the hook and go home and then four months later it comes back?

Atty. Ninowski stated correct. This is not a situation where the Department is moving in to blindside anybody, but there has been an ongoing investigation. Under **Poullard**, one of the most recent arbitration decisions, the arbitrator in that case looked at **Grover** and said that the Department should have an opportunity to continually re-evaluate the facts and if a suspension without pay is warranted...

Chairperson Norris asked is that the case that also talks about the publicity and the...issue.

Atty. Ninowski stated yes it is. I don't dispute the facts that Ms. McDonald has stated on the record. Approximately 10:50 p.m., officers from the Tactical Services Unit come upon a stolen vehicle and the vehicle had been stolen earlier in the day. They notified their fellow officers on a local channel that they needed assistance. Their fellow officers respond, then they activated their overhead lights in attempt to stop this vehicle. The stolen vehicle accelerates and they pursue the vehicle and there are six cars involved in this pursuit. Tac 6 notified Dispatch that they were in a vehicular pursuit at 10:58 p.m. None of the remaining vehicles (5 other scout cars) notified Dispatch that they were involved in the pursuit. At approximately 11:03 p.m. Sgt. Cox, the immediate supervisor of these officers advised that the chase should be terminated, Tac 6 complied and pulled over to the side of the road. He advised that the chase should be terminated because he thought that the danger to the public was too great and

there was a property crime involved. The other five vehicles continued on with pursuit of that stolen vehicle for 17.3 miles through residential neighborhoods, through Grosse Pointe Park, Grosse Pointe, Grosse Pointe Woods and they re-entered the city of Detroit and a fatal car accident had occurred. The Department's decision is twofold and this is a very significant case. Not only did these officers not notify Dispatch that they were involved in a vehicular pursuit, thereby giving Dispatch an opportunity to protect the public's safety, as well as the officer's safety. They disobeyed a direct order of a supervisor, it's the very foundation upon which this Department is built. Rules and Regulations, you have a supervisor who has made a determination that this vehicular pursuit should be terminated and these officers willfully disobeyed that order. For those reasons the Department would ask that the Chief's petition for suspension without pay be upheld.

Vice Chairperson Hampton asked is there a penalty for an officer not notifying Dispatch? If so, what is the appropriate penalty?

Atty. Ninowski stated the Manual provides that officers shall (it's not discretionary) notify dispatch, if they are in a vehicular pursuit and then Dispatch will designate the lead vehicle and the secondary vehicle and all of the other vehicles are held back. I am not aware of any cases where this set of circumstances have come up in the past.

Vice Chairperson Hampton asked what about on the other end where they have ceased to cease the chase after they have been notified?

Atty. Ninowski asked are you asking me if they are criticized for stopping?

Vice Chairperson Hampton stated if they have been penalized.

Chairperson Norris stated if they don't follow the order to cease.

Vice Chairperson Hampton stated in a pursuit.

Atty. Ninowski stated this is the first case of this nature that has come to my attention, so I cannot answer your question directly. I would say most definitely that they have been, I would hope that they have been.

Chairperson Norris stated one of the issues is that we didn't always have in-car videos, so we didn't always know who was chasing and who wasn't. That is a fairly new development for us.

Atty. Ninowski stated most definitely.

Chairperson Norris stated and we have had Grosse Point...

Atty. Ninowski stated what really distinguishes this case is the fact that they did not identify themselves to Dispatch at all. So we had absolutely no opportunity to protect the public safety or the officer's safety, let alone disobeying a direct order from an immediate supervisor.

Vice Chairperson Hampton stated you alluded that Grosse Pointe Police was involved, as well as the State Police. He asked were they involved in the investigation or just the chase?

Atty. Ninowski stated that the State Police were involved in the investigation and the Grosse Pointe Police Department was involved in the vehicular pursuit, but they were called off by their supervisors, before reentering the City of Detroit.

Comm. Head asked how did the tactical radios work?

Atty. Ninowski stated there is a local channel that they contacted their colleagues on previously when they first came upon that stolen vehicle.

Comm. Head asked were all of these vehicles here Tac 7-5.

Atty. Ninowski stated yes they all did acknowledge that they did hear Tac 7-5 order.

Atty. Goldpaugh stated **Poullard** has nothing to do with this case. **Poullard** was an arbitration decision, where the officer had been suspended by this Board for a felony after he had plead no contest to a high misdemeanor. There was a request that he be reinstated because the felony warrant, the basis for that suspension was no longer existent. The language of **Poullard** goes on to say that they could reevaluate under those circumstances, but not reevaluate under a continual evaluation. With respect to the allegations and the question by Comm. Head, there have been a number of officers who have continued or it may have been Comm. Hampton, with respect to chases that were or were not called off and they disobeyed those orders and they continued in those chases and discipline has been meted out. However, the worst penalty that was ever meted out, was against one car that continued in a chase and hit a school bus and they received 30 days of loss of pay and benefits.

Chairperson Norris asked was there a fatality in that chase?

Atty. Goldpaugh stated I don't believe there was. There have been others where there have been five or ten days. We still have to look at what is going on and what are we attempting to do to these officers? We are blanketing all ten of them. There is no indication here that as to the liability, if there is any, in respect to these officers.

Chairperson Norris asked does the City have a policy for condoning the behavior that is at issue?

Atty. Ninowksi stated there is a standard "deliberate indifference" and the City has to show that they were not deliberately indifferent.

Comm. Vann asked Mr. Goldpaugh does that rise above the case history that you were reciting, in terms of a fatality?

Atty. Goldpaugh stated no.

There were no contraventions to the above suspensions.

5. CHIEF'S REPORT/PRESENTATION

DETROIT POLICE DEPARTMENT MIND'N OUR BUSINESS

Board of Police Commissioners

It is the Detroit Police Department's mission is building a safer Detroit through community partnerships. Therefore, the following enforcement actions were conducted during the week of January 22nd -28th, 2003:

NARCOTIC BUREAU ENFORCEMENT ACTIONS

The Conspiracy Intelligence, South-East, and Vice Sections conducted four enforcement actions that resulted in (2) felony arrests. These enforcement actions reflected in the confiscation of .2 grams of cocaine, 8 grams of heroin, 15,876 grams of marijuana with a street value of \$77,984.00. Two hundred and four (\$204.00) dollars in U.S. currency.

TENTH PRECINCT

On Thursday, January 23, 2003, officers of the Tenth Precinct were on patrol in the area of Woodrow Wilson and Buena Vista when they observed the driver of a red Chevrolet. The driver matched the composite of a subject wanted for a fatal shooting and robbery. The officers affected a traffic stop in which the driver of the vehicle was not able to produce any paperwork requested by the officers. As

a result the driver was arrested and conveyed to the Tenth Precinct. The driver was wanted on several felony warrants.

ELEVENTH PRECINCT

On January 23, 2003, officers of the Eleventh Precinct executed a search warrant in the 6100 block of Doremus. The subject was an employee of one of the major hospitals in the city. The subject was wanted for Identity Theft and Credit Card Fraud. Officers executed the search warrant on the premises and confiscated evidence that was taken from the hospital and used in the crime. After officers questioned subjects on the premises as to their identity an arrest was made and a full confession regarding the incident was given.

Chief of Police Jerry A. Oliver, Sr.

Presentation – Training Bureau

Dr. Elsie Scott from the Training Bureau gave a brief presentation on the kick-off of the In-Service Training Program. On January 16th –17th, we sponsored a course called “Emotional Survival for Law Enforcement” and this course kicked off our 2003 in-service training program. It was kind of different from what we have offered in the past.

This training focuses on stress reduction and emotional survival of police officers both as officers and human beings. It looked at what they are doing, are they taking their job home with them, and is it impacting their life as a police officers or husbands, wives, sons, daughters and etc. Some of the topics that we covered were emotional stress, stress management, burnout, surviving organizational changes and crisis and prevention. The instructor for that class was Dr. Kevin Gilmartin is former police officer as well as a psychologist. After he retired from the Department he designed this course titled “Emotional Survivor” because of what he had observed as a police officer in terms of the toll that the job takes on an officer and including one of his close friends committing suicide in Arizona, where he works.

In terms of the course, the reactions to the course, the course was well received by the 250 officers who attended the training. 98% of the respondents rated the instructor as either outstanding or very good, which is very unusual and 95 % of the respondents rated the course(s) as either outstanding or very good. I would like to share the following comments about how the officers felt about the course: **1.)** “I wished my Dad had this program years ago, maybe our relationship would have been better,” **2.)** “Just hearing what I had been feeling, just brought tears to

my eyes," 3.) "It talked about me and what my wife have been saying for years, thank you, I needed this," 4.) "This training made me see the job in a different light," 5.) "I feel blessed to have been chosen to attend," 6.) "I went in thinking it was a waste of time, I left learning something," 7.) "The instructor enabled me to understand the types of changes that I am going through being an officer and how to avoid them," 8.) "It opened my eyes to my life," 9.) "I was considering quitting, might reconsider," 10.) "It's about time we received training in this." We have received training in being good cops, but not how to deal with what we have been going through.

We had a lot of comments stating that this should be made mandatory for the whole Department. We are now looking at how we could incorporate at least some of the concepts from this training into our regular training curriculum. We have spoken to Dr. Gilmartin about doing a training class and he has given us permission to take his course and offered to incorporate it into our training program. We are looking at when we could bring him back to do some additional training for us and we have also incorporated him into our integrity training for the executives. Are there any questions?

Comm. Head stated we have been talking about employee assistance programs, I suppose this deals a little with that, to show the kind of stress that officers are undergoing in their daily routines with their families and how that reacts with those family members. I have always thought about this as being akin to post traumatic stress syndrome and I sometimes call it current traumatic stress syndrome. It sounds as though you were talking in those terms with Dr. Gil martin, am I correct?

Dr. Scott stated exactly, he presents his training in the form of an emotional roller coaster and he talks about the highs and lows of the job and how some officers don't survive. You know, if you are on a roller coaster sometimes you get jerked to the point that you get totally stressed out by the time you come off that roller coaster, it takes you awhile to recompose and so that is how he presents it. It is something that is designed to support the emotional well-being of our officers. Compared to our traditional training the officer is trying to impart skills and knowledge that directly relate to job skills, this program is directly related to making them a healthy human being so that they could do the job better.

Comm. Head asked where do officers look for the peace, tranquility or change from that stress?

Dr. Scott stated at the end of the course he teaches them how to manage their time and how to be better human beings and teaches them about some of the things in their personal life so they could go about change. We have asked them to develop a life plan as to how they can improve themselves and that is one of the reasons why we are looking at how we can incorporate this into our training

program because it is good to have a person for two days and spend four hours with our officers, because they leave the training class feeling good. Unless is reinforced then it may all be lost.

Comm. Vann asked so then the emphasis is life skills?

Dr. Scott stated exactly.

Comm. Vann stated which I think is a very good approach because many of the stresses that people incur are based upon life decisions that they have made and sticking to various kinds of ways of handling and addressing stress.

Dr. Scott stated at the beginning of the seminar, the instructor puts up statistics about the number of officers who were killed in the line of duty and the number of officers who committed suicide. It is amazing how you have more officers committing suicide than in the line of duty. When you look at why these officers are committing suicide, many times it may be related to issues outside the job in terms of family matters, but perhaps they have been exacerbated as a result of the job.

Comm. Head stated back in 1978 or 1979 we put on classes for the officers as the UAW International Union at the Solidarity House. It was primarily dealing with the kinds of things that you are talking about here and also the new upcoming stress of having "women as police officers" and the stress of having men and women in close proximity to each other as partners in the police department and what that may mean to the additional stress on the officers with those kinds of relationships. We have had university professors as well as other individual come in and talk to the police officers in that regard. Is anything like that connected with this program here?

Dr. Scott stated no it does not deal with that. Just in terms of my personal opinions I think that before they added females to police departments a lot of people over exaggerated the impact of bringing women on the job that would have, in terms of distraction. There have been women on the job for so long now, until we have integrated into the process.

Comm. Head stated I think we all feel for the police officers though because they have studied long and hard to become police officers and they have the added stress of dealing with the public, that is a job within itself and to add to that the stress of trying to achieve additional rank, financing, benefits and so on. And trying to keep your head above water as you are trying to keep ahead of your supervisor. Those kinds of stresses most folks are not geared to handle very well. It is a compound if you have problems at home and I am sure that is the kind of life management that Dr. Gilmartin is trying to get across to those folks.

Dr. Scott stated you're correct.

Comm. Head asked is this going to be an ongoing part of our Police Academy or is this going to be part of in-service training?

Dr. Scott stated I recommend that it becomes part of the in-service training because we had some younger officers in the course and I read some of their evaluations and a couple of people said that this did not apply to me. I think it is because they have not had enough time on the job for that roller coaster to kick in, so therefore, I would like to see it offered to officers, who have had at least two years on the job.

Presentation – Risk Management Bureau

Chairperson Norris stated we are going to have a presentation from DC Evans. Commissioners, you have before you some proposed additional changes to the policy manual and I know that many of you have just received them today, but we won't be voting on them today. I have asked DC Evans to walk us through what they are proposing so that next week we will be in a position to decide what we want to take.

DC Evans stated what you have before you is a package of five proposals that have been revised since you approved the Manual. One actually was added, which was the Use Force reporting and then we decided that it was better to add Use of Force Reporting, to the Use of Force policy itself. So, the result is you were going to have six, you have five before you. One deals with supervision and that has been added to include a basic framework of supervisory responsibilities and management expectations, something that was not...that was probably throughout different parts of the Manual, but was not clearly laid out.

You have a revised code of conduct, which we try to make more organized than the Code of Conduct that was already in the Manual. Most of these suggestions came out of the D.O.J. working groups that we have. They had been looking at these policies simultaneously while they were going through the approval process. After looking at them, many of the working groups had some suggestions that we thought were valid and those have now gone through the Department and have been approved and now they are being submitted to you.

The Use of Force policy has the most comprehensive change. If you see the Use of Force policy the changes are highlighted from the manual policy that you had approved. You will see that there are substantial highlighting there, I believe

that policy...because it was the most important policies in the Manual it went through quite a bit of revision, internal debate, we had meetings with the Deputy Chiefs, and the Deputy Chiefs had a lot of debate and really good dialogue about what should be in the Use of Force form (what type of reporting should be required, what types of force would require what level of reporting and response by the police department). So that policy is quite substantially different than the one that you looked at. If I had to key in on anything, I would probably recommend that you key in on the Use of Force report policy.

The Medical Attention for Prisoners was revised to provide more specific medical protocols. Because we have worked in the working groups on making some changes in the way we treat our prisoners, it was important that the policy now reflects some of the proposal and policies that are flowing from the working group. This Medical Attention for Prisoners policy incorporates a lot of the changes that are taking place as a result of the working groups making proposals to the Department that have been accepted.

The Citizens Complaint policy has been revised to include the property portion of the police action injury and property damage directive. Those were two other directives that were elsewhere in the Manual, which have now been incorporated into the Citizens Complaint policy.

That is the substance of the changes. I would also say that on the Use of Force Report, the Manual policy that you approved had not had comments from some citizens that we thought were interested in making some comments that were key to making comments. We did sit down with a couple of citizens who had some particular insight on that policy, one being Ron Scott. That policy does now reflect some of the language that he thought was important on behalf of the citizens of Detroit that certainly were oversights by us, things that we certainly tried to incorporate, but had not been successful incorporating to that point. I believe he was very instrumental in making sure that while we understood that the Use of Force policy should be important to the officers, it should also reflect that it is important to the citizens and that our policy should say that. So a lot of his input is now a part of that final policy as well.

If you have any questions at any time, you are welcomed to call me at my office or anyone on my staff at anytime.

Chairperson Norris asked in reference to the Code of Conduct policy, I think you indicated in a lot of ways it just brings together in one place things that were in pieces before, but does this to any extent impact any procedures that we need to bargain?

DC Evans stated no, it is basically a reorganization of the previous Code of Conduct.

Comm. Head asked are we anticipating any other changes that may be forthcoming?

DC Evans stated there are no major changes. We look at the Manual as a work in progress constantly, but before we put the Manual out there would be no other changes other than this one. These are the only changes that will be made a part of the Manual before it is published to the members, which will happen in the beginning in February, provided that the Board approves these new policies. But what will happen after we put the Manual out, if there are changes that come up that are significant they will be presented to the Board for approval and throughout the year, we will issue those in a paper format letting the members know that these are new policy changes, but every year we will issue them a new CD Rom which will incorporate any changes throughout that prior year.

Comm. Vann asked could we have your phone extension?

DC Evans stated 596-1834.

6. GRANT

The Detroit Police Department ("DPD") has been selected to participate in the "Hiring in the Spirit of Service" project sponsored by the Department of Justice ("DOJ") Community Oriented Policing Services ("COPS") to improve, refine and where necessary, redefine the methodologies used to select, train, retain, and reinforce service-oriented policing. The DOJ has awarded the DPD a grant in the amount of \$239,350.00. **There is no cash match.**

Chairperson Norris stated I assume that our Dir. Lynise Bryant-Weekes will be involved in this, because this involves hiring and recruiting issues.

Chief Oliver stated yes, Dir. Weekes and Dr. Scott will be very much involved in this Hiring in the Spirit of Service grant.

AC Bully Cummings stated that she wanted to correct the record, by saying that the Department has not been awarded the grant. The grant is awarded to the COPS office, which will be used exclusively for the Police Foundation and the funding will be used exclusively for the collaboration that is developed through the Department and the Police Foundation.

MOTION: Commissioner Norris made the motion to approve the Grant.

SECOND: Commissioner Hampton seconded the motion.

VOTE: All in attendance voted in the affirmative.

7. OTHER BUSINESS

Chairperson Norris stated last week, Comm. Vann raised some questions regarding skip houses and some of the issues that were before us and I understand that we have somebody prepared to report to us on that.

AC Ella Bully Cummings stated last week Comm. Vann had questions about skip houses and sex houses. I have asked Sgt. James Tolbert of the Vice Section to speak on the issue of sex houses. Sgt. Kevin Clark and Sgt. Reuben Fluker of the Gang Enforcement Section to speak on the issue of skip houses.

Sgt. Clark stated if you have any questions regarding our enforcement or our investigation on skip houses, I will entertain those questions.

Comm. Norris asked could you give us an update of what you do and what you are doing to make sure that that is not happening?

Sgt. Clark stated most of the information we get regarding skip houses comes from the neighborhood and the kids in school, because they usually tell on each other. Once we get that information we go to the house and attempt entry, because we don't have a warrant, we cannot necessarily break through the door, so we have to attempt to get some entry. Sometimes we have to talk to some neighbors who have phone numbers to the adults that live at that house. Sometimes, we have contacted parents at their work, who are not aware that these types of activities were going on in their home. They have come to the house and they have opened the door and told us to go in and do whatever you have to do. If there have been adults inside that had been allowing that, then we have ticketed and arrested them for contributing to the delinquency of minors.

Comm. Vann asked what is your relationship with DPS Truancy Officers as it relates to working in conjunction with them and identifying more and more...? Do you guys work directly with DPS in regards to some of these issues?

Sgt. Clark yes, if they have information and they pass it along to us, we will conduct an investigation regarding that. Many times the DPS Officers and the Ranger Officer will let us know at Gang Squad that we do have a skip house going on. He stated it is a shame that these places allow the girls to dance because a lot of guys will pay money to watch them dance. A lot of these girls are 13 and 14 years old that drink and smoke dope. Sometimes an older sibling is allowing these things to go on in their home because they are getting a cut of the money. If we found out that that is the case we cite and arrest them for contributing to the delinquency of a minor.

Comm. Vann asked so they just get a ticket?

Sgt. Clark stated it is a ticketed offense, however we arrest them on that ticket. It is not a civil infraction, it is a misdemeanor. If we could prove that there is prostitution, then Vice would come and give us the correct charges regarding prostitution. I'm sure there could be some pandering and things of this nature.

Comm. Vann stated we are getting reports of much much higher incidents of this happening in the community, well known and well documented. Everybody knows where the houses are. All of the people under age are drinking, smoking, engaging in sex/acts and sexual escapades. This is pretty pervasive around town. Because you don't have a warrant, you cannot enter these homes, so are we basically just giving tickets?

Sgt. Clark stated no, if the individuals do not live or reside at that location we take them away with us. If they are minors, once we take them with us, we notify parents and detain them at Gang Squad and we release them to parents with pending, to the notified tickets.

Sgt. Fluker stated when these complaints come in we make a strong attempt to act on them immediately. We have found some situations, where the 19 year-old knucklehead takes over someone's house and sit up shop. Once skip house locations are made aware to us, we react immediately.

Comm. Vann stated this is reaching to a pretty sophisticated entrepreneurial level. I'm not just talking about kids skipping class, but people who have set up shop. I don't know where the definition of prostitution actually lies as it relates to a lot of these sex for money type of things. It is quite apparent that there are a number of houses that are entrepreneurial enterprises for these activities.

Sgt. Fluker stated at Gang Squad we try to do our best to handle the situation expeditiously because of the mere fact that we don't want our students involved in this.

Vice Chairperson Hampton asked where are the parents or the guardians, is there any liability on them?

Sgt. Clark stated any adults that are involved/engaged in this type of activity are arrested and we have to give them a ticket because that is the procedure. We have a problem with these skip houses, where one parent will take in a child, a friend of their child who is having some types of problems at home and the parents have not necessarily communicated with each other and that brings about missing reports, when the child is not really missing from home. People who own these two family flats, if they don't have tenants in the other flat, they

may lease that out to some entrepreneur who will decide to have a sex party or they will rent it as an after hour establishment (a blind pig). You can have a blind pig when it is not after hours, if you are charging people to come in to see something.

Comm. Vann stated now you are hearing me Doc.

Sgt. Clark stated yes sir. These are the things that we investigate.

Chief Oliver stated there may be some other opportunities to partner with Fire or code enforcement people and some other city services to address some of these issues, because it is law enforcement and we need to have search and seizures.

Exec. Dir. McDonald asked do you have a problem with going in and making arrests and shutting down the house and then they come back later, like drug houses?

Sgt. Fluker stated we have a wrap around approach. I make sure that our guys revisit the location in a couple days to make sure that these individuals have not returned. It has not happened.

Comm. Head asked is that the standard policy?

Sgt. Fluker stated yes.

Comm. Head asked once you raid the place or move people out of there, you make sure that you come back and do that again?

Sgt. Fluker stated yes.

Comm. Head asked is it from observations from the place?

Sgt. Fluker stated we do give those locations special attention once we are satisfied that the problem has been resolved, we move onto the next situation and handle that accordingly.

8. ORAL COMMUNICATIONS FROM THE AUDIENCE

Ms. Walters stated Rev. Vann hit it on the head when he said entrepreneurship is alive and well in the City of Detroit. She also stated we have to be careful about what goes on next door because sometimes everyone is covering for each other.

Chairperson Norris stated the visiting group from Lansing said we wish we had some citizens like Ms. Walters, she sure is tough.

Ms. Walters stated they are going to find me out because I am going to spread it a little thin.

9. ANNOUNCEMENT OF NEXT MEETING

Thursday, February 6, 2003 @ 3:00 p.m.
Police Headquarters
1300 Beaubien, Rm. 328-A
Detroit, MI 48226

10. ADJOURNMENT

Meeting was adjourned at 4:55 p.m.

Respectfully Submitted,

PAMOLINE J. MCDONALD
Executive Director
Board of Police Commissioners

PJM/kdw